

**COST OF GOVERNMENT COMMISSION
MINUTES
“Hybrid-Remote” Via BlueJeans Videoconference
and
In-Person, Mayor’s Conference Room, 9th Floor, Kalana O Maui Building
March 9, 2023**

PRESENT: Michael Williams, Chair
Daniel O'Brien, Vice Chair
Evan Dust, Member
Paula Heiskell, Member
Spencer Lau, Member
Lu Ann Lankford-Faborito, Member
Sarah Simmons, Member
Poerava Tehiva, Member

ADMIN: Sharon Banaag, Executive Assistant, Office of the Mayor, and Ex-Officio Member

STAFF: Caleb Rowe, Deputy Corporation Counsel
Shelley Pellegrino, Technical Writer for the Commission
Lance Taguchi, County Auditor
Robin Arita-Chang, Office of the County Auditor

I. CALL MEETING TO ORDER

Chair Williams called the meeting to order at 10:03 a.m.

II. ROLL CALL

Chair Williams took roll. Commissioners Dust, Heiskell, Lau, Lankford-Faborito, Simmons, Tehiva, Vice-Chair Daniel O'Brien, and Chair Williams were present. There is one vacancy. All commissioners appeared remotely via BlueJeans.

Chair Williams welcome Sharon Banaag, who was representing the Mayor's Office.

III. PUBLIC TESTIMONY

There was no public testimony.

IV. REVIEW CORRESPONDENCE RECEIVED

There was no correspondence received.

V. REVIEW AND APPROVE [FEBRUARY 9, 2023 DRAFT COMMISSION MINUTES](#)

Commissioner Dust moved to approve the February 9, 2023 meeting minutes, and Commissioner Heiskell seconded the motion. There was no discussion. The Commission approved the minutes unanimously (8-0; one vacancy).

VI. COUNTY AUDITOR'S UPDATE

County Auditor Lance Taguchi did not have an update to provide. Commissioner Dust stated that at the last meeting he asked to review the draft RFP for Technical Writer Services and received the information as requested from the County Auditor.

VII. UPDATE ON COST OF GOVERNMENT COMMISSION TURNOVER AND TRANSITION

A. Update on Appointment of Commissioners for 2023–2024 Commission Term

Chair Williams stated that there are four commissioners whose terms expire at the end of March 2023, with Commissioner Dust is eligible for reappointment. Mayor Bissen nominated Commissioner Dust for reappointment, as well as three additional new individuals to fill the vacant seats. The County Council's Government Relations, Ethics, and Transparency (GREAT) Committee met to discuss the nominations and recommended the reappointment of Commissioner Dust and the appointment of two new commissioners. The Committee rejected the nomination of a fourth nominee and requested that the Mayor nominate either a woman or someone from Moloka'i.

B. Election of Interim Chair to Prepare for April 2023 Commission Meeting

Commissioner Dust moved to nominate Vice-Chair Dan O'Brien to serve as interim chair for the April 2023 meeting, and Commissioner Heiskell seconded the motion. *The Commission approved the motion unanimously (8-0; one vacancy).*

VIII. DISCUSS PROCUREMENT FOR TECHNICAL WRITER SERVICES

County Auditor Lance Taguchi stated that he will submit a copy of the prior RFP to the Commission at its April 2023 meeting after the new commissioners have begun their terms. He added that he does not anticipate making too many changes being to the language of the RFP. The Commission will also set evaluators to review the bids that come in. The Chief Procurement Officer will be the Council Chair.

IX. UPDATE ON NON-TIG INVESTIGATIONS

A. Visitor Accommodations — Policy Options for Management (Chair Williams)

- [Review Draft Report on Policy Options for Managing Visitor Numbers by Managing Visitor Accommodations](#)

There was no public testimony.

Chair Williams stated that he transmitted a draft to the Commission that was not yet complete. Noting that the subject is complicated, he explained that the primary purpose of the report is to describe what visitor accommodations there are, what efforts have been made to manage visitor accommodations, and what options might be available to manage visitor accommodations in the future.

Commissioner Dust raised some issues based on his review of the report. First, he noted that Chair Williams' passion about the topic is occasionally reflected in his word choice that might color the presentation. He cautioned, for example against using terms

such as “pro development” or “anti-development.” Second, regarding the discussion of the proposed additional runway, Commissioner Dust stated that unless the Airport Master Plan clearly stated that the purpose of the proposed additional runway was solely to provide additional lift capacity, the report should not jump to that conclusion. The proposed expansion also could be related to safety considerations. Commissioner Dust added that there could be other reasons why the State Department of Transportation (DOT) has delayed or decided not to use the land for solar generation, including the possibility that the State acquired the land with FAA funding, so a solar farm might not be permissible.

Chair Williams responded that he hopes to speak with one of the authors of the Master Plan regarding the second runway, as well as reach someone at the State DOT to learn more about why the solar project has been put on hold.

Commissioner Dust also suggested that the analysis of policy options for managing visitor traffic include a discussion of the advantages and disadvantages of doing so because there is always a potential for unintended consequences of a particular decision. For example, if there were a policy decision to examine the Maui Island Plan and identify current hotel or motel resort properties to acquire or decommission and not replace, with fewer hotel rooms available, room prices will go up, which will change the character and type of visitors.

Commissioner Dust also stated that the Maui Island Plan’s 3:1 ratio is often misconstrued, explaining that it is an aspirational goal, not a law or regulation. The ratio should guide County policy but should be balanced with competing goals. All good plans have internal conflict and the Maui Island Plan is no exception. Chair Williams responded that he will review the issue.

Chair Williams welcomed additional written comments from commissioners.

B. County Real Property Tax Policies

Chair Williams stated that he had hoped to amend the Commission’s previous report to add a section on agricultural land values, but that he decided not to move forward based on the limited amount of time he has left before the end of his Commission term.

C. County of Maui Capital Project Delivery Process (Commissioner Dust)

Commissioner Dust stated that he reached out to the Administration and received information on the large number of departments involved in the delivery of capital projects. His next step is to create a survey to send to department directors assessing what techniques they use to manage capital projects.

X. DISCUSS COST OF GOVERNMENT COMMISSION ANNUAL REPORT

Chair Williams stated that he hopes to have a draft Annual Report available for review at the next Commission meeting.

XI. DISCUSS POTENTIAL TOPICS TO REVIEW AND POSSIBLE ESTABLISHMENT OF TEMPORARY INVESTIGATIVE GROUPS (TIGS)

- [Summary of Cost of Government Commission Investigations and Reports \(2009–Present\)](#)

Commissioner Dust asked whether the Commission had in the past reached out to the public to ask what issues they might like the COGC to investigate. Chair Williams responded that the Commission had not done any active outreach in the past three years. Ms. Pellegrino added years past, Commission chairs had written commentaries in The Maui News and invited people to comment and testify. Commissioner Heiskell noted that she has talked with people informally and suggested that the Commission reach out to community association meetings. Chair Williams and Vice-Chair O'Brien both stated that reaching out to community associations was a good place to start.

XII. DETERMINE NEXT MEETING DATE AND AGENDA

Chair Williams indicated that he would like to set another meeting in March to finalize the Visitor Accommodations Report and review the Annual Report. The Commission agreed to meet on Tuesday, March 28, 2023, at 10:00 a.m.

XIII. ADJOURNMENT

The meeting adjourned at 10:50 a.m.